

REMARKS

Summary of the Office Action

Claims 1-14 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claims 1, 3, 8-10, 13 and 14 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph.

Claims 2, 4-7, 11 and 12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

Summary of the Response to the Office Action

Claims 1, 3, 8-10, 13 and 14 have been amended.

Claim 2 remains as originally presented.

Claims 4-7, 11 and 12 remain as previously presented.

Accordingly, claims 1-14 are pending for consideration.

All Claims Define Allowable Subject Matter

The indication that claims 1-14 recite allowable subject matter is greatly appreciated. In accordance with the Examiner's helpful suggestion, claims 1, 3, 8-10, 13 and 14 have each been amended to recite "each control mode determining at least one target criterion to be measured during drilling" and "a threshold value for a measurement result of said at least one target criterion." Support for these amendments may be found in the application as originally filed at, for example, paragraphs 0009 and 0021-0023. In particular, the target criterion may be penetration rate, straightness of a hole and service life of the drilling equipment, which are criteria that may not always be measured directly during drilling. The criterion to be measured, as determined in a control mode, may also represent the effect of adjusting one or more operating parameters of drilling. Such an effect may be measured directly by sensors or calculated in the control unit of the rock drilling apparatus from measurement data obtained from the sensors. Thus, measurement during drilling may be present in either case.

With regard to claim 1, the Examiner's helpful suggestion with respect to operating parameters is also greatly appreciated. Accordingly, claim 1 has been amended to recite

“adjustable operating parameters.” With respect to particulars of the adjustable operating parameters, claim 1 has been amended to recite the “adjustable operating parameters including at least one of impact power, impact pressure, feed force, feed pressure, feed flow, feed rate, rotation torque, rate of rotation, rotation pressure, rotation flow, flushing pressure, and flushing flow.” Support for this amendment may be found in the application as originally filed at, for example, paragraph 0032, wherein it is noted that the drilling equipment may be operated by a pressure medium or may be electrically operated.

For at least any of the above reasons, it is respectfully submitted that the rejections under 35 U.S.C. § 112 of claims 1-14 should be withdrawn, and that these claims are allowable.

CONCLUSION

In view of the foregoing, Applicants submit that the pending claims are in condition for allowance, and respectfully request withdrawal of all outstanding rejections, and request the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite the prosecution.

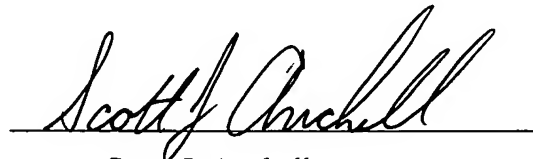
EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3). Applicants respectfully request entry of the amendment under 37 C.F.R. § 1.116 by the Examiner, placing all pending claims in condition for allowance. Applicants submit that the amendment does not raise new issues or necessitate additional search of the art by the Examiner.

Respectfully submitted,

DRINKER BIDDLE & REATH LLP

Dated: 28 November 2006

By:



Scott J. Anchell
Reg. No. 35,035

Customer No. 055694
DRINKER BIDDLE & REATH LLP
1500 K Street, N.W., Suite 1100
Washington, DC 20005-1209
Tel.: (202) 842-8800
Fax: (202) 842-8465